

From: R. W. Potter
To: Microsoft ATR
Date: 11/20/01 5:39pm
Subject: Re: Proposed Settlement

As an average user of personal computers and software, I have several objections to the proposed Microsoft settlement.

1. The settlement does nothing to punish Microsoft for its repeated abuses of monopoly power. Microsoft's practices over many years forced numerous competitors to either cease business in the software area, or to drastically alter their sales/distribution efforts. Yet in the proposed settlement the monopolist is not required to provide any restitution to either the firms that were unfairly abused, or to consumers who now have fewer software choices and must pay high prices for the products of Microsoft. Thus the monopolist is rewarded without any penalty for past misdeeds. (Software give-aways by Microsoft also cannot be considered any form of penalty since they extend the monopolist's market share and reduce further the potential market of competitors.)

2. The three-person tribunal which is to oversee the proposed settlement cannot be expected to be effective. Microsoft will appoint one member, and have a say in a second member. The group will be paid by Microsoft and will work at their offices. It is naive to expect that this tribunal will not become co-opted by Microsoft under these circumstances over the course of several years. Any such oversight body must be completely independent, reporting to and compensated by the Court.

Thank you for your consideration of these views.

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